

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Anne Fothergill, Case Manager
JL Joel Lawson, Associate Director for Development Review

DATE: June 30, 2015

SUBJECT: BZA Case No.19029, 1338 Fairmont Street, N.W.

I. OFFICE OF PLANNING RECOMMENDATION

Based on the information reviewed to date, the Office of Planning (OP) recommends that the Board of Zoning Adjustment **deny** the requested area variance from the minimum lot area requirements of § 401.11 to convert a rowhouse flat into a 4-unit building in the R-4 zone.

The subject lot is 2,378 SF, which is 1,222 SF smaller than the 3,600 SF required for a matter of right conversion to four units (900 square feet of lot area per unit).

The applicant originally requested this as special exception relief; the Zoning Administrator since confirmed that variance relief is required. The applicant requested to postpone the BZA hearing date in order to address the variance test.

On June 26, 2015, the recently-approved text amendments to the R-4 zone took effect (Zoning Commission Case 14-11), however the former regulations, under which the application was filed, remain in effect for this case pursuant to Section 3202.9(b)(3)(B). However, for the information of the Board, OP notes that under the new regulations, this proposal would require variance relief for the conversion to four units, and the fourth unit would be required to be an affordable unit consistent with the District Inclusionary Zoning program.

The OP report provides only a very cursory review of the applicant's revised statement (filed late June 30, 2015) against the applicable regulations because there was insufficient time to fully review it prior to the deadline for OP filing this report. Additional OP analysis may be provided at or prior to the public hearing for this case.

II. AREA AND SITE DESCRIPTION

Applicant	Clifford Dixon and Matthew McDonald, authorized agents for the owner
Address:	1338 Fairmont Street, NW
Legal Description:	Square 2861, Lot 0035
Ward:	1
Lot Characteristics:	A rectangular interior lot with an area of 2,378 square feet
Zoning:	R-4- row dwellings and flats are allowed in this district
Historic District:	None
Adjacent Properties:	The block is predominantly comprised of row dwellings and small and moderate-sized apartment buildings.



III. ZONING REQUIREMENTS and REQUESTED RELIEF

	Required / Permitted	Existing ¹	Proposed ²	Relief
Lot Area §401.11	900 SF/unit for 4 dwelling units = 3,600 SF	2,378 SF	same	Relief required (1,222 SF total or 305 SF per unit)
Lot Occupancy §403.2	60%	57%	same	none
Height §400.1	40'	existing to remain	same	none requested
Rear Yard §404.1	20' min	35'	same	none
Side Yard §405.1	--	--	same	none

The applicant has been advised that they will need to work with the Zoning Administrator to determine whether the basement is considered a fourth story since the R-4 zone is limited to three stories. Additionally, the applicant has proposed an internal attic expansion within the existing roof peak and they have been advised that they will need to determine whether the current height of the building is non-conforming and confirm that relief from the height limit is not required.

IV. OFFICE OF PLANNING ANALYSIS OF REQUESTED RELIEF**a. Exceptional Conditions Resulting in a Practical Difficulty**

The applicant has not demonstrated unique physical characteristics of the subject property or any other extraordinary or exceptional situation or condition affecting the property that leads to a practical difficulty for the owner of the property.

The applicant states that when purchased it was already a three-unit building and non-conforming to the R-4 regulations. In order to meet current building codes, the applicant requests relief to allow a fourth unit to offset the costs of the sprinkler system and other required renovation work. Additionally, the applicant states that the building is 4,900 SF and if it was split into two flats at more than 2,000 SF each it would be challenging to rent and could potentially become a group house.

b. No Substantial Detriment to the Public Good

The granting of relief would not likely result in substantial harm to the public good. The building would maintain the same footprint and overall height and has off-street parking at the rear. The subject block and the Columbia Heights neighborhood already contain a mix of rowhouses and small and moderate-sized apartment buildings.

¹ Information provided by applicant.

² Information provided by applicant.

c. No Substantial Harm to the Zoning Regulations

Granting the approximately 33% relief from the requirements of § 401.11 would cause substantial harm and impairment to the intent of the Zoning Regulations. 11 DCMR § 330.3 states “The R-4 District shall not be an apartment house district as contemplated under the General Residence (R-5) Districts, since the conversion of existing structures shall be controlled by a minimum lot area per family requirement.” The recently adopted amendments to the Zoning Regulations confirm and reinforce this intent. The primary purpose of the R-4 District is the stabilization of remaining one-family dwellings (11 DCMR § 330.2). The proposed use of the subject property would therefore be contrary to the purpose of the R-4 district, which is not intended to serve as an apartment house district.

OP finds that the applicant has not demonstrated an exceptional condition that has imposed a practical difficulty.

V. COMMENTS OF OTHER DISTRICT AGENCIES

OP is not aware of comments from any other District agency.

VI. COMMUNITY COMMENTS

There were no ANC or other community comments on file at the time of this report.

The applicant provided letters of support from neighbors at 1335 Fairmont, 1334 Fairmont, 1336 Fairmont, 1326 Fairmont, and 1345 Euclid Street (Exhibit 22).